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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,912	06/09/2000	Douglas Corning	SCHWB-3200	3491
56633	7590	08/01/2006	EXAMINER	
FARELLA BRAUN & MARTEL RUSS BUILDING 235 MONTGOMERY STREET SAN FRANCISCO, CA 94104			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/591,912	CORNING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stefano Karmis	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,9-14,16,17 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 9-14, 16, 17 and 38-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 02 May 2006.

#### ***Status of Claims***

2. Claims 1, 3, 5, 11, 14, 16 are 38-42 previously presented. Claims 9, 10, 12, 13, and 17 are original. Claims 2, 4, 6-8, 15 and 18-37 are cancelled. Therefore claims 1, 3, 5, 9-14, 16, 17 and 38-42 are currently pending.

#### ***Response to Arguments***

3. Applicant's arguments filed 02 February 2006 regarding the teachings of Matsumoto and limiting the number of items tracked and displaying a running total have been fully considered and they are not persuasive. Matsumoto teaches limiting the stocks being tracked are limited by the RAM and Matsumoto teaches that stock information may be transmitted in batches to handle this limitations on the amount available for tracking (column 26, lines 1-45). Furthermore, Matsumoto is teaching the tracking of stocks, which are inherently limited to a predetermined number since there are only so many stocks available that can be monitored. Regarding the running total, Matsumoto teaches that the display is provided with a scroll so that all stocks being tracked can be viewed (column 26, lines 1-45).

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Any remaining arguments are moot in view of the new grounds of rejection discussed below. Therefore claims 1, 3, 5, 9-14, 16, 17 and 38-42 stand rejected and Applicant's request for allowance is respectfully declined.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, 3, 5, 9-14, 16, 17 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (hereinafter Matsumoto) U.S. Patent 6,526,285 in view of Risberg et al. (hereinafter Risberg) U.S. Patent 5,339,392.

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Regarding independent claims 1 and 14, Matsumoto teaches a method for organizing a plurality of items which are being tracked in a personal organizer device of the type which is capable of exchanging information with a communications center, comprising the steps of:

maintaining a data list in the personal organizer device (column 21, lines 39-61), wherein the data list includes all of the plurality of items being tracked, wherein the plurality of items being tracked is limited to a predetermined number of items (column 26, lines 1-7), and wherein maintaining the data list includes storing information received from the communications center in a memory of the personal organizer device, for each item being tracked (column 23, lines 38-67 and column 26, lines 28-44 and figure 4);

displaying a running total of the number of items in the data list, and displaying the predetermined number of items permitted in the data list (column 26, lines 38-44);

including in the data list a defined category tag (such as electrical or construction) for each of the plurality of items being tracked (column 20, lines 62-67);

displaying in a sublist associated with a designated category tag all of those items in the data list which have the designated category tag (column 21, lines 39-61);

providing at least two category tags for at least a first one of the plurality of items being tracked (column 25, lines 35-40);

displaying the first one of the plurality of items being tracked in a sublist according to the item being tracked (column 25, lines 11-48 and Figure 5); and

displaying the first one of the plurality of items being tracked in a second sublist associated with a second designated tag (column 25, lines 11-48 and Figure 5).

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Matsumoto fails to teach that the defined category tags are defined by the user from the user inputting them into the personal organizer device. Risberg teaches an apparatus and method for creation of a user definable video displayed document showing changes in real time data (Abstract and column 26, lines 51-68). Risberg teaches that a user creates an “active document” with user definable style, allowing the user to defined layout as well as labels for each page (column 2, line 27-55 and column 3, lines 32-49). It would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to modify the teachings of Matsumoto and include the user defined categories as taught by Risberg because both Matsumoto and Risberg teach a system to monitor financial data based on categories so as the user receives specific information from a large pool of financial data.

Claims 3 and 17, wherein a plurality of securities is included among the plurality of items being tracked (column 25, lines 11-48 and Figure 5).

Claims 5 and 16, wherein the personal organizer device is a hand held device (column 4, lines 36-61).

Claim 9, the data maintaining step includes the step of adding new items to the plurality of items being tracked by way of entering an identifier for each new item (column 21, lines 9-38).

Claim 10, the new item adding step includes the step of supplying a category tag for each new item (column 21, lines 9-38).

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Claims 12-13, the displaying step includes the step of including selected information about the items being displayed in the sublist which information includes information received from the communications center and displaying the data list (column 26, lines 38-61 and Figure 5).

Regarding independent claim 38, Matsumoto discloses a method for organizing information for a plurality of securities which are being tracked in a hand held computing device of the type which is capable of exchanging information with a communication center comprising:

- maintaining a data list in the hand held computing device, which includes information of all of the plurality of items being tracked (column 11, lines 33-51 and column 23, lines 51-67);

- transmitting information for all of the plurality of securities being tracked from the communication center to the hand held computing device over a wireless link (column 43, lines 49-64);

- including in the data list at least one category tag for each of the plurality of the securities being tracked (column 20, lines 62-67) wherein a division is specified;

- for at least a first one of the securities being tracked providing at least two category tags (column 25, lines 36-40) wherein the stock may belong to a plurality of industry divisions;

- and displaying in a sublist associated with a designated category tag all of those securities in the data list which have the designated category tag, wherein the first security which has at least two different category tags, will be displayed in at least two different sublists of securities

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based on the at least two category tags provided for the first security (column 25, lines 11-48 and Figure 5).

Matsumoto fails to teach that the defined category tags are defined by the user from the user inputting them into the personal organizer device. Risberg teaches a method and system for using intelligent agents for financial transactions, services, accounting and advice (Abstract). Risberg teaches that the learning agents can generate reports for the user which track all of the user's expenses income, investments and tax strategies (column 12, lines 32-45). The learning agents can generate specific types of reports by monitoring user-defined categories of expenses (such as restaurant). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Matsumoto and include the user defined categories as taught by Risberg because both Matsumoto and Risberg teach a system to monitor financial data based on categories so as the user receives specific information from a large pool of financial data. Further, Risberg teaches the financial data is for a variety of transactions including stock purchases and monitoring of stock purchases (column 4, lines 27-40).

Regarding claims 39-42, Matsumoto fails to teach displaying and editing through the use of an edit icon the category tags allowing the user to delete tags, rename tags and navigated selected screens. Risberg teaches software that contains an edit button and allows for deletion, and modifying and navigating of user-defined attributes in the document (column 32, lines 5-35, column 34, lines 3-45 and column 37, lines 38-50). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Matsumoto and include the user defined categories as taught by Risberg because both



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Matsumoto and Risberg teach a system to monitor financial data based on categories so as the user receives specific information from a large pool of financial data. Further, Risberg teaches the financial data is for a variety of transactions including stock purchases and monitoring of stock purchases (column 4, lines 27-40).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefan Karmis  
24 July 2006

